

ECONOMIC IMPACT COUNCIL

1998 Interim Projects

COMMITTEE ON BUSINESS DEVELOPMENT & INTERNATIONAL TRADE

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project This will include following-up on Committee activity related to the Department of Labor and Employment Security, and the Office of Tourism, Trade, and Economic Development.

2. Enterprise Florida OPPAGA is required statutorily to review EFI prior to the 1999 Regular Session. In conjunction with this, staff will work with OPPAGA and others to take a detailed look at the costs, programs, impact, etc., of EFI.

3. WAGES/Workforce Development The committee will follow the impacts of WAGES/Workforce Development legislation that is enacted this session. In addition, the committee will review the activities of local WAGES coalitions and the state WAGES board to determine if changes are needed to enhance employment opportunities for WAGES participants.

4. Tax Incentives/QTIP The committee will take a detailed look at the costs, use, and impact of the QTIP program. To the extent that members want committee staff to look at other business development incentives (i.e. small business tax incentives, etc.), the review will also encompass other tax incentive issues.

COMMITTEE ON BUSINESS REGULATION AND CONSUMER AFFAIRS

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project This project will continue the committee work begun in 1997 in which the committee began review of the Departments of Business & Professional Regulation and the Department of Agriculture Division of Consumer Affairs.

2. Contractors v. Utility Companies/Unfair Competition This project will study the issue of whether regulated power companies will possess an unfair advantage if they choose to enter the business of service warranty and repair of home appliances. The concern is whether having to compete with such large regulated entities could have a significant and widespread adverse effect upon small businesses in the repair and service warranty fields, and also what would be the ultimate effect on the consumer.

This project will examine the issues associated with these concerns and attempt to reach a conclusion as to whether regulated power companies do indeed possess unfair competitive advantages in entering this business, what the effect on the existing repair and service warranty industry would be, and what would be the ultimate and overall effect on the consumer.

3. Direct Marketing This project will study Florida's current regulation of pyramid schemes, and attempt to determine whether Florida's law adequately addresses the sophisticated fraudulent schemes that have developed since its enactment, and also whether the law sufficiently addresses the recent growth of legitimate multilevel companies. This project will include researching current Florida and federal law, as well as the effects of recently enacted legislation in other states. The potential effects of the proposed law would be presented to House members.

4. Sweepstakes This project will examine the controversy surrounding consumers being “misled” by sweepstake companies giving them the false impression that they have won a sweepstake. Also, this project will attempt to devise a solution that protects the consumer without overburdening the industry with unnecessary regulation and preserves the Attorney General’s ability to prosecute these cases.

5. Review of professional board’s authority This project will survey professional boards at DBPR and determine the step-by-step procedure that is used to process applications and issue a license. The purpose of the project is to discover if some boards have adopted procedures that actually serve to hinder their efficient operation, or conversely, whether some boards have devised procedures that allow them to accomplish their assigned task more efficiently. The project will also consider whether it is advisable to establish some process uniformity.

COMMITTEE ON FINANCIAL SERVICES

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project This project will continue the committee work begun in 1997 dealing with agencies under the purview of the Committee on Financial Services.

2. Consumer protection and assistance/insurance and financial services The Financial Services Committee identified instances where there was minimal legislative guidance for specific functions or responsibilities of the Division of Consumer Services (DCS) within the Department of Insurance (DOI), yet significant budgetary authority. This project will examine the consumer services activities of the DOI and Department of Banking and Finance--the nature of the services and assistance provided, the statutory basis for the functions performed, the level of public satisfaction and the accuracy of the information provided. The report will also explore alternatives for re-aligning or reorganizing consumer protection and assistance functions and responsibilities.

3. Residual market depopulation and keep-out Depopulation of the Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA) is an express policy goal of the Legislature and a priority for the Department of Insurance. The Legislature has approved the use of financial incentives such as the payment of cash take-out bonuses and exemptions from assessments on a limited basis for private sector insurers agreeing to assume policies written in the residual markets. This report will: (a) examine the RPCJUA and FWUA depopulation programs; (b) identify barriers to entry instituted by the RPCJUA and FWUA and the results achieved; (c) determine the extent to which the success or failure of RPCJUA and FWUA in keeping out new business impacts any benefits of depopulation; (d) examine the extent to which the rate regulatory process (as opposed to cash bonuses and assessment exemptions) might be used to provide incentives for insurers to take over residual market policies or keep their own policies out of the residual market; and (e) compare and contrast the depopulation and keep-out programs and strategies used by the RPCJUA and FWUA to control their population with those employed by the Workers’ Compensation JUA and the Florida (Auto) JUA and the results achieved.

4. 1993 Reform of the Workers’ Compensation Act: Five-Year Update This oversight activity will focus on the workers’ compensation system five years after passage of Senate Bill 12-C, the workers’ compensation reform legislation. Data would be presented relative to the intent of the reform legislation.

5. Mandatory automobile insurance (no-fault and financial responsibility laws): status and issues The basic statutory provisions of Florida's automobile no-fault insurance and financial responsibility laws have remained essentially the same for more than 20 years. In that time, the courts have interpreted those laws and, in some cases, filled in the gaps left by the Legislature. Additionally, the economy has sustained substantial inflation of costs, particularly in health care costs. This report will describe the current state of the law, as interpreted by the courts, and identify any issues that have arisen or trends that are occurring, either as a result of court decisions or cost inflation.

6. Deregulation of workers' compensation pricing Several states have deregulated workers' compensation ratemaking. Deregulation can take many forms. This report will describe the current ratemaking process in Florida, describe the various approaches to deregulation taken by other states, and provide point/counterpoints for each of these models, comparing and contrasting each with the process in Florida.

7. Report on the implementation of the Special Disability Trust Fund Privatization Commission Legislation in the 1998 Session calls for the creation of a Special Disability Trust Fund Privatization Commission to examine the feasibility of transferring the liabilities and functions of the Special Disability Trust Fund to the private sector. Staff will report on the recommendations of the Commission and the implementation of any privatization decisions.

COMMITTEE ON REGULATED SERVICES

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project This project will continue the committee work begun in 1997 dealing with agencies under the purview of this committee.

2. Deregulation of the Pari-mutuel Industry The committee would, at the direction of the chairman, examine the purpose of government regulation of the pari-mutuel industry. Staff would then prepare a draft proposal which would deregulate the industry to whatever degree would provide the industry with the freedom to make decisions based upon sound business principles. Any such deregulation proposal would maintain mechanisms to ensure the collection of state taxes, the protection of the public by ensuring the integrity of pari-mutuel events, and the protection of racing animals.

3. Continued Monitoring The staff would continue its normal monitoring activities including staying abreast of emerging issues and responding to member requests and public inquiries.

COMMITTEE ON TOURISM

1. Continuation of the State Agency Functional/ Activity Review and Prioritization Project This project will continue the committee work begun in 1997 relevant to agencies under the purview of this committee.

2. Entertainment Industry

a. The Committee will reexamine the proposed structure in the 1998 entertainment industry legislation and the incentives as it relates to other state and local structures to determine what adjustments to the proposal, if any, should be made. In addition, whatever structure, whether local or state, that is functioning as the entertainment industry focus for the state will be reviewed to determine what effect it has had on the growth of industry in the state and the improvement of Florida's image.

b. The Committee will conduct a study of the effects of the digital technology requirements of the Federal Communications Commission on the state's radio and television broadcasting stations. This review will include an examination of the need for any state relief for the requirements of the FCC and will provide recommendations.

3. Eco-Tourism & Heritage Tourism Development This study will review potential industry-growth incentives and attempt to provide policy direction including suggestions included in the December 1997 report of the Commission on Tourism's Eco-Tourism and Heritage Tourism Advisory Committee and subsequent implementation efforts through state and regional groups. From a statewide perspective, the study will seek input especially from the Florida Commission on Tourism, Division of Parks and Recreation of the Division of Environmental Protection, and Enterprise Florida's Rural Economic Development Section.

4. Update of the Report on Florida's Tourism-Related Taxes This project will chronicle changes made during the 1998 Regular Session to Florida's Statutes which govern local government authority to levy tourism-related taxes, update corresponding technical information included in the January 1997 Report on Tourism-Related Taxes, and analyze the updated data for any changes or trends associated with issues surrounding local option tourism-related taxes. An informational survey will be developed to gather local revenue collections figures. This survey will also collect data on current tax revenue expenditure plans and may provide information on local government and tourism industry attitudes toward revenue use. If possible, this project will also include pertinent national information on the levy, collection, and revenue use related to tourism-related taxes.

5. Tourism Public/Private Partnership The activities of the Commission on Tourism and the Florida Tourism Industry Marketing Corporation will be reviewed to determine if the provisions of the law creating these entities are being strictly followed, to determine how well they are meeting their performance standards and achieving the projected outcomes, and to determine what, if any, changes in law or funding needs to be made.

One of the specific issues to be reviewed by the Committee for legislative recommendations for the 1999 Session is the assumption of the staff of the Welcome Stations by the Florida Tourism Marketing Corporation, d.b.a., Visit Florida, which is the private sector arm of the public/private partnership.

6. Florida Sports Foundation & Governor's Council on Physical Fitness and Amateur Sports During the review of functions and activities and missions of agencies during the last Session, questions were raised concerning the need for two separate entities in the state with responsibility for sports (i.e., The Florida Sports Foundation and the Governor's Council). Further study needs to be conducted to determine the feasibility of combining these two entities and, if feasible, how to accomplish it.

7. State Athletic Commission The Committee will conduct an in-depth review of the role and responsibilities of the State Athletic Commission to determine what changes, if any, need to be made statutorily concerning its structure, role, responsibilities, and accountability.

COMMITTEE ON TRANSPORTATION

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project

This project will continue the committee work begun in 1997 in which the committee implemented a process to evaluate state transportation, Highway Safety, and Motor Vehicle programs and their services to the public.

2. Driver improvement Schools Provision of Services since the 1996

Deregulation This project will evaluate any cost savings and program operations of driving schools since deregulation in 1996.

3. Monitoring

- a. High Speed Rail
- b. Innovative Contracting methods in DOT
- c. New Federal Transportation Funding for Florida
- d. Construction Business Damages Work Group Meetings

COMMITTEE ON UTILITIES & COMMUNICATION

1. Continuation of the State Agency Functional/Activity Review and Prioritization Project

This project will continue the committee work begun in 1997 relevant to agencies under the purview of this committee.

2. Monitoring

- a. Staff will monitor the implementation of HB 4785 or related legislation relating to Telecommunications.
- b. Continue monitoring the implementation of ch. 95-403, Laws of Florida, the 1995 rewrite of chapter 364, Florida Statutes, and the Federal Telecommunications Act of 1996
- c. Continue monitoring electric utility deregulation in other states and at the federal level

GOVERNMENT SERVICES COUNCIL 1998 Interim Projects

COMMITTEE ON CHILDREN & FAMILY EMPOWERMENT

- 1. WAGES time limits** During 1998 the first group of WAGES recipients will reach their time limits on benefits. Part of this process includes a review by the Department of Children and Family Services of each case as time limits approach. As a result, considerable information will become available which will allow for a review of the provisions of the WAGES program and consideration of needed improvements so that fewer recipients reach time limits in the future.
- 2. WAGES transition** It will take another 1.5 to 2.5 years for the large caseload that had built up under the traditional welfare program to be completely processed. During this time agencies will experience a high workload that will not continue (barring a severe economic downturn) once the long term caseload has moved off of assistance. This project would examine the impact of changing workload on resource needs of agencies and the need to be able to shift resources as workload demands shift between programs.
- 3. Program efficiency** Based on our 1997 Department of Children and Family Services - District Survey results, it appears that certain districts are more efficient in delivering services than other districts. That is, certain districts are able to serve more clients with approximately the same funding or have a significantly better cost/client ratio. This interim project will explore and compare the factors/variables operating in these districts that lead to better cost-effectiveness and determine how policy should be changed to increase cost-effectiveness.
- 4. Children' substance abuse programs** During the 1998 PB2 deliberations, members raised concerns regarding the performance measures for substance abuse programs. Concerns were raised about prevention efforts, the type of treatment, how services were being provided, the adequacy and effectiveness of the services and who was receiving treatment. This interim project will explore these issues and attempt to describe the service delivery system and explore ways to make the system more effective.
- 5. Readiness for school - child care facilities** During the 1998 Session there was interest in determining what activities child care centers engaged in that would facilitate readiness for school in children attending these centers. In coordination with the Fiscal Responsibility Council and the Academic Excellence Council, this interim project will conduct a descriptive survey to capture the activities, curriculum, and strategies used in child care centers to get children ready for kindergarten.

COMMITTEE ON ELDER AFFAIRS & LONG TERM CARE

- 1. "End of Life" Care** In CS/CS/HB 3387 (Chapter 98-327, L.O.F.) the 1998 Legislature created a 22 member "Panel for the Study of End of Life Care" to be located in the Pepper Institute on Aging and Public Policy at Florida State University. Staff will conduct research on issues related to care provided to persons at the end-of-life and will staff the Panel for the Study of End-of-Life Care.

2. Workgroup on Nursing Home Quality Improvement Over the past two sessions the Committee on Elder Affairs and Long Term Care focused a great deal of attention on nursing facilities as a critical component of long term care in Florida. With the highest percentage of elders of any state and with the population over age 85 years the fastest growing segment, nursing homes must continually adjust to the demands for sub-acute short term care and for chronic long term care. Numerous concerns raised by the nursing home industry, the Attorney General's office, agency regulators, and others need to be explored in open forum so that consensus can be developed among the interested and responsible groups on the most effective ways to improve the quality of life and quality of care of nursing home residents. Regular meetings of these groups are planned throughout this interim to explore quality issues and develop administrative and legislative remedies. Staff will coordinate and provide staff support to the workgroup.

3. Transfer of the Adult Services Program This interim project will review the feasibility of transferring the Adult Services program (including adult protective services) from the Department of Children and Family Services to the Department of Elder Affairs.

4. Elimination of classification system for adult abuse, neglect, and exploitation Staff will review the feasibility of eliminating the adult abuse, neglect, and exploitation classification system along with its attendant features, including the due process system and employment screening. (The comparable classification system for child abuse was eliminated in the 1995 Session.

COMMITTEE ON HEALTH CARE SERVICES

1. Monitor implementation of the Florida "Kidcare" Program In CS/HB 4415 (Chapter 98-288, L.O.F.), the 1998 Legislature created a new health insurance program for low to moderate income uninsured children titled "Kidcare." This new program is expected to serve over 250,000 children by the end of its first year of operation. Committee staff will work with the staff of the Governor's Office, the Senate, and the executive branch agencies to monitor implementation of this major new program to ensure consistency with the implementing legislation.

2. Evaluation of an Adult Heart Transplant Program CS/SB 570 (Chapter 98-192, L.O.F.) requires specified committees in the Senate and House of Representatives (including the House Health Care Services Committee) to conduct an evaluation of an adult heart transplant program for Florida. This study is the result of a decision by the fiscal committees in the House and Senate to discontinue funding of adult heart transplants under the Medicaid program in the 1998-99 state budget. The law requires the committees to analyze the short and long term public policy and cost implications of implementing a state-sponsored adult heart transplant program, including a consideration of all direct and ancillary costs associated with providing comprehensive care associated with such a program. A report is to be issued which includes the alternatives of implementing this program through the Medicaid program or on a non-Medicaid basis and is due to the presiding officers of the Legislature by September 1, 1998.

3. Review Excess and Duplicative Statutory and Administrative Health Care Regulation by Executive Agencies The current regulatory structure for Health care facilities, professionals and services was developed during a period which predated the domination of managed care. This predominance of managed care may eliminate the need for some regulation. Staff will review current health care regulation to determine if and where excess and duplicative regulations exist.

COMMITTEE ON HEALTH CARE STANDARDS & REGULATORY REFORM

1. Standardized Credentialing of Physicians Currently there is no standardized credentialing process for medical, osteopathic, chiropractic, and podiatric physicians. To expedite a standardized credentialing system and eliminate duplication, the 1997 Legislature provided for the appointment of a special task force by the Secretary of Health to study the issue and report back to the 1998 Legislature. Following their recommendation, the 1998 Legislature provided for standardized credentialing and elimination of duplication. Staff will work with the Department of Health and the 13 member advisory council to implement HB 4515 (Chapter 98-226, L.O.F.) which is effective July 1, 1999, and assist in developing, as necessary, any additional legislation for the 1999 Session to expedite implementation of the requirements of this new law.

2. Implementation of CS/SB 2128 (Chapter 98-166, L.O.F.) Staff will monitor implementation of the various changes provided for in the new law relating to the medical professions and various functions of the Department of Health.

3. Bonding of Fiscal Intermediaries A fiscal intermediary is a company or individual who handles the billing, receipt and disbursement of funds for physicians. Rather than each physician dealing directly with each health care entity, such as HMOs, insurance companies, and other types of health care entities, a fiscal intermediary does all of these functions for the physician. Staff will monitor implementation of section 26 of CS/CS/SB 1800 (Chapter 98-159, L.O.F.) which corrects a problem with a law passed in 1997 requiring the bonding and registration of fiscal intermediaries with the Department of Insurance.

4. Assessments on Health Care Entities CS/SB 570 (Chapter 98-192, L.O.F.), which passed the Legislature during the 1998 Session, includes an exemption from assessments on net operating revenues to fund public medical assistance for hospitals as well as freestanding radiation therapy facilities. Staff will monitor the Agency for Health Care Administration's progress in working with the federal Health Care Financing Administration (HCFA) to provide confirmation that changes in the assessments will not adversely affect the use of the remaining assessments as state match for the state's Medicaid program.

5. Pharmacy Practice This study will focus on pharmacy issues as they relate to patient safety and quality of health care including the accurate and safe dispensing of prescriptions, pharmacist licensure, and the impact of automation and other innovations on dispensing services and the delivery of pharmaceutical care services. Staff will obtain input from all entities involved and interested in the practice of pharmacy and will review the literature from the pharmaceutical industry addressing pharmacy issues, information submitted by the Department of Health, the Board of Pharmacy, pharmacy associations, pharmacy owners, pharmacy business organizations and consumers. Staff will also review other states' legislation and regulations and issue a report to the committee and the Speaker before commencement of the next regular organizational session in November 1998.

GOVERNMENTAL RESPONSIBILITY COUNCIL

1998 Interim Projects

COUNCIL

- 1. Florida 2020** Research issues where questions arose during consideration of Florida 2020 legislation (use of payment in lieu of taxes, inheritance issues, use of less-than-fee acquisitions, etc.). Coordinate with education and fiscal staff on the higher education component in order to further document specific infrastructure needs.
- 2. Urban Infill** Working from HB 4783 and last year's reports of the LCIR and the Local Government Study Commission, continue to develop urban policy legislation which focuses on encouraging urban infill.

JOINT LEGISLATIVE COMMITTEE ON EVERGLADES OVERSIGHT

- 1. Restudy** Review all alternatives evaluated by the Comprehensive Review Study, or Restudy, for the Central and Southern Florida Project. The goal of this interim project, as well as increasing the joint committee's role as it pertains to the Restudy, is to help ensure that all projects or operational changes resulting from the Restudy are implemented in a manner consistent with the Everglades Program and current Florida water policy.
- 2. Everglades Construction Project** Monitor all reports (and any eventual legislation) relating to Phase II of the Everglades Construction Project or the implementation of Article II, Section 7(b) of the Florida Constitution (Amendment 5).

Agriculture

- 1. Florida Seed Law** Review Chapter 578, F.S., to assess its effectiveness at protecting the seed producer and seed consumer. Of specific interest to the industry is the recent reduction in service from the state seed laboratory. Laboratory operating costs have exceeded income from dealer licenses; consequently, lab staffing and services have been reduced. There is a demand from the industry for more testing capacity.

2. Monitor

- a. CS/2ND ENG/SB 926 -- Eradication of Agricultural Pests -- Notification requirements before aerial application of pesticides
- b. SB 1010 and CS/2ND ENG/SB 1088 -- Agricultural Emergencies -- Use of funds for agricultural emergencies such as citrus canker and medflies
- c. CS/2ND ENG/HB 3673 -- Aquaculture -- Transfer of regulatory responsibilities to the Department of Agriculture and Consumer Services
- d. CS/2ND ENG/HB 3671 -- Timber Management -- Requirement to include timber management feasibility assessment in management plans for certain state lands
- e. Medfly and Citrus Canker eradication programs

COMMUNITY AFFAIRS

- 1. Mobile Homes** Further evaluate feasibility of transferring mobile home inspections from the Department of Highway Safety and Motor Vehicles to the Department of Community Affairs. Evaluate the need for enhanced mobile home installation and tie-down requirements.
- 2. Local Bills** Update local bill policies and procedures manual.
- 3. Local Government Formation** Update local government formation manual. During this process, review the law regarding the process for the incorporation of new municipalities.
- 4. Local Government Permitting** Evaluate current local government efforts to expedite the permitting process.
- 5. Local Government Assessments** Study the ways in which special assessments and fees are being used as local government revenue sources. Evaluate the appropriateness and the costs and benefits of imposing these fees and assessments on, for example, organizations and facilities related to education, etc.

ELECTION REFORM

- 1. Case Law Bibliography** Create an extensive bibliography of case law related to elections. A summary would be produced which includes every important election law case.

ENVIRONMENTAL PROTECTION

- 1. State Lands/Florida 2020** In conjunction with Council and Water and Resource Management staff, continue research on issues involving the development of a successor program to Preservation 2000.

GOVERNMENTAL OPERATIONS

- 1. Defined Contribution Retirement Program** Continue study of defined contribution retirement option such as the proposal contained in Representative Sanderson's HB 4333.
- 2. Contribution Rates/FRS** Study the actuarial assumptions underlying the Florida Retirement System. Monitor the review of contribution rates mandated by CS/CS/3RD ENG/ HB 3491.
- 3. Long-Term Health Care** Monitor the design and implementation of the Florida Employee Long-Term-Care Plan
- 4. Public Records/Public Meetings** Develop model language that can be used in bill research documents for public records and public meetings legislation.
- 5. DMS Organizational Structure** Review the organization of the Department of Management Services and the Division of State Group Insurance following pb2 reorganization, the creation of the DSGI, and the Speaker's Project.
- 6. Classification Broadbanding** Evaluate state compensation study concerning classification broadbanding.

GOVERNMENTAL RULES AND REGULATIONS

- 1. Rulemaking Authority/New Legislation** Review all legislation that passed this year in order to identify any new grant of rulemaking authority.
- 2. Requirements of Administrative Procedures Act** Monitor agencies that submitted rules pursuant to s. 120.536, F.S., to ensure that those rules not authorized are properly repealed. Evaluate agency activities and reports required under s. 120.74, F.S., in order to consider the value to the Legislature of these rules review activities.
- 3. Monitor APA-Related Court Cases** Monitor the appeals of two ALJ decisions relating to invalid agency rulemaking. Depending on how the court holds, the Legislature may either have to revisit Chapter 120, F.S., to refine the rulemaking standard or prepare for additional rule authorization legislation from agencies.

WATER AND RESOURCE MANAGEMENT

- 1. State Lands/Florida 2020** In conjunction with Council and Environmental Protection staff, continue research on issues involving the development of a successor program to Preservation 2000.
- 2. Florida Waterbodies** Assess overall water quality of Florida waterbodies and the programs which have been developed to maintain/enhance this quality. Specifically, look at SWIM and the impact of protective designations, such as “Outstanding Florida Water,” “Wild and Scenic River,” and even aquatic preserve. This project could dovetail well with the continuing work on Florida 2020.
- 3. Muck Removal** Either as part of the Florida Waterbodies study or as a separate project, develop a comprehensive approach to the permitting of muck removal in Florida waterbodies. Because of WRM’s interest in the issue during Session, Representative Carlton has received a promise from Secretary Wetherell to assist legislative staff in this project.
- 4. Aquifer Storage and Recovery** Conduct a legal and hydrologic evaluation of aquifer storage and recovery. While ASR continues to be mentioned in draft regional water supply plans as a primary water resource development tool, the technology and feasibility of large-scale projects require further review before water management districts are permitted to proceed with these projects.
- 5. Marine Fisheries** Review the policy implications of limiting participation in lobster, blue crab, and tropical fish/marine life fisheries and the impacts of such limitations on access to the industries by newcomers.
- 6. Rulemaking Authority** Evaluate the sufficiency of the link between water management district rulemaking and specific statutory authority for regulation. (Is there sufficient statutory authority for many water management district regulations?) Monitor the Tomoka case for its impact on the need for developing even clearer statutory direction.
- 7. Performance Measures** Monitor pb2 for DEP and GFC and the development of performance measures for water management districts.

8. CRC Proposal/Merging of Commissions Do preliminary research on potential impact of proposed Game and Freshwater Fish Commission and Marine Fisheries Commission merger. Identify what potential legislation would be necessary to implement the amendment if it is approved by the voters.

HOUSE JUSTICE COUNCIL

1998 Interim Projects

COUNCIL

1. In collaboration with staff of the Crime & Punishment and Civil Justice & Claims Committees, determine methods of reducing delays in capital cases.

a. Identify and evaluate delays and impact of delays:

- Determine average delays in the administration of capital punishment in Florida and whether those delays have increased since 1978.
- Identify death row inmates who were convicted before June 1, 1993, and review status and procedural history of those cases.
- Contact murder victims' families, where feasible, in those cases and solicit their comments regarding impact of judicial delays.
- Determine the number of postconviction appeals, motions, and writs filed in state and federal courts in cases resulting in execution.
- Determine number of death sentences set aside due to incompetent or ineffective legal counsel, compared to number of capital cases in which such claims are asserted.
- Identify state resources utilized for repetitive postconviction judicial review in capital cases. Solicit assistance from the Office of Program Policy Analysis and Government Accountability to analyze data.

b. Review, compare, and analyze judicial review methods:

- Review methods of judicial review of capital cases and delays in capital cases in Texas, Virginia, Arkansas, Missouri, Oklahoma, Alabama, Arizona, Georgia, and Louisiana.
- Determine whether those states provide postconviction legal representation to the extent provided in Florida.
- Analyze federal and state constitutional requirements for state postconviction review and procedures in capital cases.
- Review means of assuring that appeals and motions in capital cases are filed on a good-faith basis and not for purposes of delay.
- Consult with Judicial Branch, the Attorney General's Office, the Regional Capital Collateral Counsel, Public Defenders, State Attorneys, and other persons with experience or expertise in capital postconviction proceedings regarding delays and recommendations for reducing delays.

c. Submit report containing findings and recommendations by December 1, 1998.

- Review previous studies and legislative and judicial attempts to reduce delays in capital cases.
- Consider whether state postconviction review can be expedited by combining direct and postconviction review in any manner or by eliminating state postconviction review.
- Recommend reforms which may reduce delays in capital cases.

2. Expand and update Justice Council 1998 Post-Session Resource Book.
3. Assess and conduct Justice Council performance evaluation.
4. Assess all Justice legislation passed in 1997 and 1998 to determine whether legislation should be revised, corrected or improved.
5. Expand and update House Justice Council 1999 Proposed Legislation Book for House Members.

CIVIL JUSTICE & CLAIMS COMMITTEE

1. Speaker's Project, Phase II [Department of Legal Affairs]
2. The committee will continue its Tort Reform research project, specifically directed to the points raised in the Governor's veto message.
3. Revise the Claim Bill Manual.

CORRECTIONS COMMITTEE

1. Speaker's Project, Phase II.
2. Review the laws, rules, state policies, and programs that affect the families of inmates and offenders, including the comparison of other states' family-oriented programs. Evaluate the effect of such programs on recidivism. Consider the extent to which the Legislature can improve services to families of offenders, support frequent family contact and promote a more family-oriented philosophy of prison visitation in a safe, secure and orderly visiting environment.

CRIME & PUNISHMENT COMMITTEE

1. Speaker's Project, Phase II.
2. Review the report by Statutory Revision and the Procedural Council which identifies obsolete or unnecessary language in Florida's Criminal Statutes. The Crime & Punishment Committee will then prepare a proposed committee bill that removes the obsolete or unnecessary provisions.
3. Work with the Justice Council and the Juvenile Justice Committee on cross-jurisdictional projects involving capital punishment delays and juvenile prosecution procedures.

FAMILY LAW & CHILDREN COMMITTEE

1. Speaker's Project, Phase II.
2. Analyze child support guideline amounts, the application of the guidelines to multiple families and substantial secondary parents, and the effects on remaining siblings when children are no longer eligible for support.

JUVENILE JUSTICE COMMITTEE

1. Speaker's Project, Phase II.

2. In collaboration with the staff of the Committee on Crime & Punishment and the Justice Council, identify, evaluate and recommend reforms to enhance the prosecution and disposition of violent and repeat juvenile offenders and improve public safety.

- a. Identify methods to improve the prosecution and disposition of violent and repeat juvenile offenders.
 - Evaluate the removal of confidential status of juvenile records and the use of such records in criminal proceedings.
 - Compare Florida's juvenile violent and property crime rate with other states.
 - Identify and evaluate methods to enhance deterrence mechanisms for young juvenile offenders, including the utilization of short-term boot-camp programs solely for young offenders at an early stage in the juvenile justice system.
- b. Evaluate the current definition of "recidivism" for purposes of measuring performance of juvenile justice programs.
 - Review the various definitions of "recidivism" being used to evaluate juvenile justice programs for accuracy in identifying actual patterns of repeat criminal behavior.
 - Recommend definition that appropriately identifies repeat juvenile criminal behavior.
- c. Evaluate mandatory adult sentencing of juvenile offenders prosecuted as adults.
 - Contact State Attorneys, Judges, Florida Sheriffs and Police Chiefs, Florida Department of Law Enforcement, other law enforcement agencies, and Public Defenders for recommendations regarding HB 4193, [both as amended and unamended].
 - Contact State Attorneys, Judges, Florida Sheriffs and Police Chiefs, Florida Department of Law Enforcement, other law enforcement agencies, and Public Defenders for recommendations regarding mandating adult sentences for juvenile offenders who are required by law to be prosecuted in adult court.
- d. Submit report with findings and recommendations by December 1, 1998.

3. Evaluate government services in the juvenile justice area.

4. Evaluate the implementation of interagency agreements between the Department of Juvenile Justice [DJJ] and the Department of Children & Family Services [DCF] regarding youths who fall within the jurisdiction of dependency [DCF] and children-in-need-of-services [DJJ].

5. Evaluate the implementation of required studies of educational services for youth in juvenile justice facilities.

6. Evaluate further privatization of the juvenile justice system and ways to shift more responsibility, funding, services, and accountability away from state government to local government agencies and community organizations.

7. Evaluate how Juvenile Assessment Centers are funded and whether such funding is fair based on needs determined through a rational formula. This examination will build upon the work done by Senate staff in a 1997-98 interim project report.
8. Evaluate the detention of juvenile offenders transferred to adult court, in collaboration with the Florida Sheriffs Association and the Department of Juvenile Justice.

LAW ENFORCEMENT & PUBLIC SAFETY COMMITTEE

1. Speaker's Project, Phase II.
2. Review the Florida Department of Law Enforcement's Criminal History Network and identify ways to facilitate reporting of juvenile and adult crimes and related data.
3. Review the safety standards, procedures, and maintenance requirements for state-owned aircraft.

REAL PROPERTY & PROBATE COMMITTEE

1. Speaker's Project, Phase II.
2. Participate in Performance Based Program Budgeting [Dept. of Business & Professional Regulation].
3. Monitor the "Involuntary Admissions & Guardianship Project."
4. Monitor the accessibility of the courts to elders, pursuant to HB 1705.

ACADEMIC EXCELLENCE COUNCIL

1998 Interim Projects

INTERIM STUDY ON SCHOOL READINESS

Work Plan Summary -- (June 9, 1998)

HOUSE ACADEMIC EXCELLENCE COUNCIL

Representative Stephen Wise, Council Chair

Participants:

Academic Excellence Council (Lead); Children & Family Empowerment Committee; Committee on Education Fiscal; OPPAGA

Lead Contact Person:

Lynn Cobb, Council Attorney
Academic Excellence Council

General Description:

Based on too many Florida children “falling through the cracks,” the strong link between children who are not ready for school and the almost inevitable future failure of those children, too much time and money spent on K-12 remediation, inadequate preschool program performance measures, and inconsistent school readiness screenings, House members have worked for several years on legislation designed to enhance school readiness. For the 1996-97 school year, the Florida Department of Education released its first report on kindergarten readiness. While the statistics varied from county to county, the statewide average was estimated at 80% (children ready for kindergarten) to 20% (children not ready). During the 1998 Session, both the House and the Senate proposed major school readiness packages, but these differed significantly in scope and emphasis. Although numerous compromises were made by the sponsors in each chamber, both packages died in the final hour of the Session. However, the importance of the issue indicates that it will be revisited next year. The purpose of this project is to assess the current situation and address any changes that need to be made in legislation designed to improve children’s readiness for school.

Policy Questions:

1. It is estimated that many thousands of Florida children who need preschool programs are unable to get into these programs, and further that many children who are in programs are merely being “warehoused.” What is the best way to expand services to enhance the school readiness of these children?
2. What governance structure would be most proactive and effective in dealing with preschool programs?
3. Could reductions in current bureaucracies help to streamline programs and service delivery?
4. How should local school readiness coalitions be formed and operate, and would authorization to use vouchers, contracts, or direct service agreements to provide readiness programs facilitate their expansion of services?
5. What would optimize program quality while expanding program quantity?

Methodology:

The project will focus on several components: a follow-up study by OPPAGA of its Report #94-27, which reviewed early education and child care programs in 14 counties and identified barriers to improvement and suggestions for changes; a collaborative effort to build consensus among the stakeholders and interest groups; a survey to determine readiness curriculum in child care facilities; and an examination to determine optimum developmentally appropriate methodologies for early learning programs and school readiness screenings.

**INTERIM STUDY ON THE IMPLEMENTATION OF
CONSTITUTIONAL REVISIONS RELATING TO EDUCATION**

Work Plan Summary -- (June 9, 1998)

HOUSE ACADEMIC EXCELLENCE COUNCIL

Representative Stephen Wise, Council Chair

Participating Committees:

Academic Excellence Council (lead)

Education Appropriations Committee

Lead Contact Persons:

Bob Ward, Executive Director

Lynn Cobb, Council Attorney

General Description:

This project relates to the activities of the Constitutional Revision Commission and Revision 6, Public Education of Children. The Constitutional Revision Commission has proposed amending Article IX, s. 1 of the Florida Constitution to read:

SECTION 1. ~~System of~~ Public education.-- The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.

Policy Questions:

1. How will the terminology used in Revision 6 affect educational services currently being provided to students?
2. What additional resources are needed to implement the proposed changes to the Florida Constitution?
3. What modifications to the Florida Statutes are needed to implement the proposed changes to the Florida Constitution?

Methodology:

To be determined.

INTERIM STUDY ON SCHOOL SAFETY INCIDENT REPORTING

Work Plan Summary -- (June 9, 1998)

HOUSE ACADEMIC EXCELLENCE COUNCIL

Representative Stephen Wise, Council Chair

Participating Committees:

Committee on Education K-12

Lead Contact Person:

Molly A. Jones, Legislative Research Specialist

Committee on Education K-12

General Description:

The *School Environmental Safety Incident Reporting System (SESIR)* was established statewide in the 1995-96 school year to assist schools, districts, and staff of the Department of Education at the state level in assessing major need areas and the extent and nature of problems in school safety. Data quality issues have been identified relating to variations in the reporting of incidents, perceptions of incidents, and in personnel reporting the incidents (mostly related to training levels).

The purpose of this study is to review current reporting procedures to determine whether these methods accurately reflect the occurrence of safety incidents on school property.

Policy Questions:

1. What are the current reporting requirements and procedures in schools and school districts?
2. What measures are currently being implemented to provide accurate data?
3. Do current reporting requirements and procedures provide accurate data regarding the occurrence of safety incidents on school property? If not, what measures can be taken to provide for the accurate reporting of safety incidents on school property?

Methodology:

The methodology for this study will consist of both qualitative and quantitative methods. Several districts will be selected for this study, based on size and location. Surveys of teachers, parents, students, and local law enforcement officials will be used to determine school climate and perceived accuracy of data reporting. Data from the School Environmental Safety Reporting System (SESIR) and local law enforcement agencies will be reviewed, compared, and analyzed for consistency. Appropriate Department of Education staff, statutes, rules, and administrative policies will also be consulted.

INTERIM STUDY ON ASSESSMENT

Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION K-12

Representative William Andrews, Chair

Participating Committees:

Committee on Education K-12

Lead Contact Person:

Molly A. Jones, Legislative Research Specialist
Committee on Education K-12

General Description:

The High School Competency Test (HSCT) tests the application of basic skills in math and communication and is administered initially in eleventh grade. To receive a standard high school diploma a student must pass the HSCT.

The Common Placement Test (CPT) is designed to assess the basic computation and communications skills of students who intend to enter a degree program at any public Community College or State University. A student may not be enrolled in a college credit mathematics or English course unless the student has demonstrated adequate precollegiate preparation on the section of the CPT that is appropriate for successful student participation in the course.

In 1996, the State Board of Education and the Florida Legislature adopted the Sunshine State Standards - a comprehensive listing of what students should know and be able to do as they progress through school - and approved the development of a test to measure how well students achieve the standards. The Florida Comprehensive Assessment Test (FCAT) was designed to measure reading achievement in grades 4, 8, and 10 and math achievement in grades 5, 8, and 10. The FCAT was first administered in January 1998.

The purpose of this study is to determine the feasibility of replacing the High School Competency Test (HSCT) and the Common Placement Test (CPT) with the Florida Comprehensive Assessment Test (FCAT).

Policy Questions:

1. What skills are measured by the HSCT, the CPT, and the FCAT?
2. Has the FCAT been effectively implemented and are the assessment results reliable?
3. What are the advantages and/or disadvantages of replacing the HSCT and the CPT with the FCAT?

Methodology:

The study will contain a brief synopsis of the HSCT, CPT, and FCAT. Interviews with Department of Education staff, school district staff, parents and students will be performed to obtain information regarding the development and implementation of the FCAT. These interviews will also address the feasibility of the FCAT eventually replacing the HSCT and CPT. The initial FCAT results will be reviewed and analyzed. Appropriate statutes, rules, and administrative policies will also be consulted.

INTERIM STUDY ON SCHOOL BUS ADVERTISING

Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION K-12

Representative William Andrews, Chair

Participating Committees:

Committee on Education K-12

Lead Contact Person:

Molly A. Jones, Legislative Research Specialist
Committee on Education K-12

General Description:

Preliminary research indicates that several school districts in the United States currently permit advertising on public school buses. The policies that implement the advertising vary from state statute to school board policy. The districts currently permitting advertising on school buses provide strict and specific guidelines that must be achieved prior to implementation.

The purpose of this study is to determine the advantages, disadvantages, and feasibility of allowing advertising on public school buses in Florida.

Policy Questions:

1. Where and under what circumstances and specific guidelines is school bus advertising being implemented in the United States?
2. What are the advantages of school bus advertising?
3. What are the disadvantages of school bus advertising?

Methodology:

The methodology for this study will primarily consist of qualitative methods. Statutes, rules, and administrative policies implementing school bus advertising will be reviewed and summarized. Interviews will be conducted of school board staff responsible for administering school bus advertising programs. Appropriate state and local officials, staff, and constituents, in the districts with school bus advertising and in Florida, will be consulted regarding the advantages and disadvantages of the school bus advertising program.

**INTERIM STUDY ON THE FACILITY PREVIOUSLY AUTHORIZED
TO BE CONSTRUCTED BY THE ALTERNATIVE EDUCATION INSTITUTE**

Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION K-12

Representative William Andrews, Chair

Participating Committees:

Committee on Education K-12

Lead Contact Person:

Molly A. Jones, Legislative Research Specialist

Committee on Education K-12

General Description:

In 1994, the Alternative Education Institute (AEI) was established within the Department of Education to serve juvenile offenders who had been prosecuted as adults or who had been committed to a high risk or a maximum risk residential program of the Department of Juvenile Justice. The facility originally authorized to be constructed by the Alternative Education Institute developed a history of mismanagement and as a result, the Legislature has twice reorganized the oversight and management structure of the project. Senate Bill 2480, passed during the 1998 Legislative Session, abolished the Alternative Education Institute (AEI) and revised provisions relating to the residential facility originally authorized to be constructed by AEI. The bill transferred ownership of the facility from AEI to the Department of Management Services (DMS) and authorized DMS to access funds previously appropriated to the AEI, in order to complete the construction of the facility to the extent necessary to stabilize assets and prepare the facility for future use. The bill also created a working group which is responsible for developing a plan for the use of the facility and developing a request for proposals or request for operation of the program by a private contractor.

The purpose of this study is to monitor the progress of both the Department of Management Services and the newly created working group regarding the final determination for the use or disposition of the facility originally authorized to be constructed by the Alternative Education Institute.

Methodology:

Meetings of the working group and actions of the Department of Management Services (DMS) will be monitored in order to provide periodic progress reports. Documents prepared by or submitted to the working group and DMS, including requests for proposals, bids, proposals and supplementary information will be reviewed in order to determine possible uses for the facility being considered by the working group and DMS. Staff of state agencies which may potentially be affected by the decision of the working group will be contacted to determine their department's opinion of the advantages and disadvantages of options being considered by the working group.

ADDITIONAL PROJECTS ASSIGNED TO COMMITTEE ON K-12

The Committee on Education K-12 will also research the following topics:

- the issue of “small schools”
- the feasibility of “school clusters” (groups of schools autonomous from the school district) and the possibility of using the clusters as a form of practicing performance-based program budgeting and decentralization
- public military schools and the effectiveness of Second Chance Schools in Florida

**INTERIM STUDY ON LEARNING TO READ:
THE FIRST PRIORITY IN EDUCATION**
Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION INNOVATION
Representative Jerry Melvin, Chair

Participating Committees:

Committee on Education Innovation; Committee on Education Appropriations

Lead Contact Persons:

Ouida J. Ashworth, Legislative Research Specialist
Peter Doherty, Ph.D., Legislative Research Director
Committee on Education Innovation

General Description:

This project stems from the speech given to a Joint Session of the Florida Legislature by The Speaker of the United States House of Representatives, the Honorable Newt Gingrich. In the speech Mr. Gingrich said:

I believe nationally we ought to adopt one major goal for education, and that is for every child to learn how to read and write by the end of the first grade...If they can't read and write by the end of the first grade they will be immersed in reading and writing. The reason is simple. If you can read and write you can do virtually anything else. You can gradually learn almost any other skill. If you can't read and write and you give up on learning how to read and write, and you become embarrassed because you've fallen behind, you will probably not learn anything else.

In 1997, via CS/SB 1956, the Florida Legislature addressed this issue in part, but the remedy contained in that bill, which now appears as part of s. 232.235, F.S., is probably in need of improvement as it ultimately tends to punish the poorly performing student by mandating, except in the case of a showing of good cause, that he or she be retained at the present grade level until the deficiency is overcome. This project will seek to fashion a means whereby an incentive to learn to read and write is applied to the poorly performing student and any sanctions are reserved for the institution which can be deemed to have poorly performed its responsibility in this area.

Policy Questions:

1. When should children be expected to master reading skills?
2. If reading problems were dealt with at an early grade level, would the students do better when in middle or high school?
3. If students who could not read by the end of the first grade were put into a "reading only" program (not a retention in the first grade), would they "catch up" with their age group in other subjects once they had learned to read?
4. What are other states doing to teach children to read as early as possible?
5. How many children cannot read at the end of first grade? What do schools currently do with these students? Are special reading track programs feasible?

Methodology:

A literature review will be conducted to determine new strategies and current strategies in use in other geographic locations and/or states. Some states or governments with new strategies will be contacted by telephone. Teachers and administrators and national organizations will be contacted to discuss ideas for specialty reading tracks.

**INTERIM STUDY ON PUBLIC SCHOOL
PRINCIPAL/ASSISTANT PRINCIPAL SHORTAGE**
Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION INNOVATION
Representative Jerry Melvin, Chair

Participating Committees:

Committee on Education Innovation

Lead Contact Persons:

Ouida J. Ashworth, Legislative Research Specialist
Peter Doherty, Ph.D., Legislative Research Director
Committee on Education Innovation

General Description:

The focus of the project is to determine the need for principals and assistant principals in public schools. One proposal was introduced during the 1998 legislative session to allow persons other than teachers to enter the ranks of principals and assistant principals. Some argue that there is a shortage of individuals with the necessary skills and temperament to undertake these highly demanding positions, especially in rural areas where the pool of available applicants is restricted, and in inner city areas where the need for a strong, and arguably innovative, leadership style is particularly clear. Others argue that such is not the case and there are any number of persons ready, willing, capable, and qualified under the current law to take up such tasks. This project will investigate this argument and will attempt to determine whether a need exists, and the extent of that need. This project should give members a better understanding of the criteria required for principals and assistant principals.

Policy Questions:

1. Is there a shortage of qualified candidates for the job of principal and assistant principal in public schools?
2. What percentage of a principal's job is spent on administrative, resource and financial management tasks and what is spent on education issues?
3. What would be the benefit of hiring a person from the private sector as principal?
4. What knowledge, skills, and abilities are needed to be an effective and efficient principal?
5. What level of government should decide on the criteria to hire a principal - local or state?

Methodology:

A literature review will be conducted to determine if there is a shortage of qualified candidates for principal positions in public schools. Additionally, the literature review will search for information on what criteria are generally required of principals and assistant principals. Some interviews will take place with school district personnel and possibly school board members to determine how various districts decide on who to hire for principals. Additionally, if time permits, a survey can be conducted to determine if school board members would be interested in hiring a principal that was from the private sector rather than from an educational background and whether the school boards feel they have as much discretion as they need in order to hire the best people.

INTERIM STUDY ON SCHOOL RULES AND REGULATIONS

Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION INNOVATION

Representative Jerry Melvin, Chair

Participating Committees:

Committee on Education Innovation

Committee on Education Appropriations

Committee on Governmental Rules & Regulations

Lead Contact Persons:

Ouida J. Ashworth, Legislative Research Specialist

Peter Doherty, Ph.D., Legislative Research Director

Committee on Education Innovation

General Description:

As it has been a continuing complaint from school districts in every part of the state that over regulation of their activities seriously hampers their efforts to deliver quality instruction, this project will focus on closely monitoring the efforts made in the six pilot counties named in HB 4837 which are authorized to establish "deregulated public schools during school year 1998-1999." In theory, in order for these counties to establish the six deregulated schools authorized for each, their respective school boards will have to eliminate all regulations found to be not absolutely needed. The results of their efforts should produce a fairly comprehensive listing of what current rules and regulations can safely be eliminated for all schools within the state to produce an administrative atmosphere which is more conducive to the conduct of the serious business of providing education for Florida's K-12 students. This project should give members an overview of the types of rules and regulations which can be eliminated to enable the school districts to function more efficiently and effectively. Additionally, if the Legislature wishes to eliminate some statutory requirements for the school districts, the study should help determine what can be eliminated without a loss of accountability.

Policy Questions:

1. What rules, regulations and activities do the schools and districts think are not needed and hinder the delivery of quality instruction and smooth, efficient, and effective operations? What justification is there for removing the regulation; i.e., why remove it and how will it improve services to the students?
2. How are the pilot counties implementing the provisions of HB 4837?
3. What happens when schools are allowed to change the rules?
4. What type of regulatory flexibility efforts are underway in other states?
5. What are recommendations as to removal of some rules and regulations? How will accountability take place once the rule or regulation is removed?

Methodology:

A literature review will be conducted to explore existing studies on this topic. Other states will be contacted to determine what they have done and how much impact the removal of rules has on the educational system, specifically the students. If needed and time allows, a survey may be conducted with other states. Other committee staff will be contacted to coordinate ideas.

**INTERIM STUDY ON THE RELATIONSHIP OF
NATIONAL TEACHER CERTIFICATION TO STUDENT PERFORMANCE**
Work Plan Summary -- (June 9, 1998)

HOUSE COMMITTEE ON EDUCATION INNOVATION
Representative Jerry Melvin, Chair

Participating Committees:

Committee on Education Innovation

Lead Contact Persons:

Ouida J. Ashworth, Legislative Research Specialist
Peter Doherty, Ph.D., Legislative Research Director
Committee on Education Innovation

General Description:

Using what data is available from instate sources as well as what data is available from out of state, particularly from studies being conducted on this subject by Dr. Michael Podgursky of the University of Missouri at Columbia, this project will seek to determine whether any correlation exists between student performance and instruction by teachers who hold National Teacher Certification. HB 3389, which was passed during the 1998 Session, provides for monetary incentives for those teachers who seek to obtain National Certification, yet there is no readily available body of reliable data which suggests this type of tax-dollar investment leads, or tends to lead, to student-centered benefits in terms of enhanced academic performance.

This project should give members an overview of the national certification program, and the incentives in Florida. If information is available on the correlation between student performance and nationally certified teachers, it will be presented and described to the committee. The study is an ongoing monitoring process of reviewing the students' records to search for correlation between the certification and student performance. However, for the purpose of this study, the project is expected to take approximately six months.

Policy Questions:

1. What is the purpose of the National Certification?
2. What correlation, if any, is there between student performance and nationally certified teachers?

Methodology:

Standards from the National Board of Professional Teaching Standards will be reviewed. If time allows, interviews will be conducted with teachers who have been through the national certification program, parents of the students they have taught, and peer teachers who have either observed the nationally certified teacher or have received students from the classes taught by the nationally certified teacher. If time permits, administrators will also be interviewed. The standardized test scores of children in the certified teachers' classroom can be compared with the same test scores of children who were not taught by a certified teacher. Information will be collected on the certification program and its benefit to the students. A literature review will be conducted to search for studies examining the correlation between student performance and teacher certification.

INTERIM STUDY ON DUAL ENROLLMENT

Work Plan Summary -- (June 9, 1998)

HOUSE COMMUNITY COLLEGES AND CAREER PREP COMMITTEE

Representative Robert B. "Bob" Sindler, Chair

Participating Committees:

Community Colleges and Career Prep Committee
Education Appropriations Committee
Education K-12 Committee
Colleges and Universities Committee

Lead Contact Person:

Stacey E. Smelser, Legislative Research Specialist
Community Colleges and Career Prep Committee

General Description:

The increase in the number of students entering college has focussed attention on issues related to access to postsecondary education and the amount of time it takes to complete a degree program. Advanced placement and dual enrollment opportunities are used by high school students to abate these issues by completing course work that provides both credit for high school and credit for college. The growing use of dual enrollment has caused some to question the funding for dual enrollment, as well as participation and articulation issues related to dual enrollment. The purpose of this study is to review the policies and procedures relating to dual enrollment and evaluate the efficiency of dual enrollment, in terms of both cost to the state and benefit to the student.

Policy Questions:

1. What is dual enrollment? What are the participation requirements for dual enrollment? How does a student benefit from dual enrollment? How is dual enrollment funded? How do dual enrollment classes articulate into college credit?
2. How does the funding of dual enrollment courses compare with funding for traditional enrollment? How does student progression at a community college or state university compare for a student who took dual enrollment courses versus a student who did not?
3. Is dual enrollment a financially efficient way to educate a student? Does dual enrollment affect (either positively or negatively) a student's ability to complete a college degree in a timely fashion?

Methodology:

The methodology for this study will consist of both qualitative and quantitative methods. Individual interviews will be conducted with key members of the House and Senate, Department of Education staff, Division of Community Colleges staff, local community college staff, local school district staff, and dually enrolled students. Cost data will be collected from local community colleges and school districts, or if available, from the Division of Community Colleges and the Department of Education. In addition to cost data, other quantitative data will be collected such as descriptive statistics on students who are dually enrolled, the number and types of dual enrollment courses, the participation requirements for various dual enrollment programs, and time-to-degree data for students who are dually enrolled and students who are not.

INTERIM STUDY ON ADULT EDUCATION

Work Plan Summary -- (June 9, 1998)

HOUSE COMMUNITY COLLEGES AND CAREER PREP COMMITTEE

Representative Robert B. "Bob" Sindler, Chair

Participating Committees:

Community Colleges and Career Prep Committee
Education Appropriations Committee
Education K-12 Committee
Colleges and Universities Committee

Lead Contact Person:

Stacey E. Smelser, Legislative Research Specialist
Community Colleges and Career Prep Committee

General Description:

In the past two legislative sessions, the legislature has made major changes to the funding and service delivery of postsecondary workforce development education. Funding for adult education has been lumped in with the new funding structure for workforce development education. Some argue that the purposes of the adult education and workforce development education are quite different and therefore funding adult education on a performance basis with workforce development education is not appropriate. The purpose of this study is to identify the purposes of adult education and workforce development education, to evaluate the purposes for compatibility, and to recommend whether adult education is appropriately funded as part of workforce development education.

Policy Questions:

1. What are the definitions, goals, and funding structures of adult education and workforce development education? What is preparatory instruction, and is it included in either adult education or workforce development education?
2. How does the purpose of adult education compare to the purpose of workforce development education and preparatory education?
3. Do the purposes or goals of adult education fit with the purposes or goals of workforce development education? If not, where (structurally) is a more appropriate place to fund adult education? Where is the appropriate place (structurally) for preparatory education?

Methodology:

The methodology for this study will consist mostly of qualitative methods. Individual interviews will be conducted with key members of the House and Senate, Department of Education staff, Division of Community Colleges staff, local community college staff, local school district staff, adult education students, and workforce development education students. The research instrument will be used as a tool to guide discussion (much like a focus group protocol), with open-ended questions that allow for probing of topics brought up by the interviewee. Meeting notes and minutes from the Employment Task Force on Adults with Disabilities will be considered and analyzed. Written documentation, such as statutes, rules, and administrative policies, will also be consulted.

INTERIM STUDY ON JOINT-USE FACILITIES

Work Plan Summary -- (June 9, 1998)

HOUSE COMMUNITY COLLEGES & CAREER PREP COMMITTEE

Representative Robert B. "Bob" Sindler, Chair

Participating Committees:

Community Colleges & Career Prep Committee

Colleges & Universities Committee

Education Appropriations Committee

Lead Contact Person:

Stacey Smelser, Legislative Research Specialist

Community Colleges & Career Prep Committee

General Description:

Statute establishes a formal process for the review and approval of "joint-use" facilities projects constructed with state funds. During recent years, several facilities projects have been funded outside of the statutorily-created process for the allocation of dollars. Concurrently, to alleviate some of the burdens associated with access, the Legislature has sought to increase the number of joint-use facilities utilized by postsecondary institutions. The purpose of this study is to investigate and assess whether the processes and procedures established for the review, adoption and administration of joint-use facilities are sufficient to support their purpose.

Policy Questions:

1. What is a "joint-use" facility? What is the purpose of a joint-use facility?
2. How does the performance of students in joint-use facilities compare with the performance of students in more traditional facilities (i.e., student enrollment and program completion)?
3. Are "joint-use" facilities cost effective?
4. Do joint-use facilities accomplish their purpose?
5. What can be done statutorily to facilitate the utilization and administration of joint-use facilities to better serve their purpose and increase student access and performance?

Methodology:

Investigation into this issue will involve interviews of key staff persons of the Department of Education, the Division of Community Colleges, the Board of Regents, and various other entities associated with the joint-use facilities review, adoption, and funding process. Analysis of systemwide and institutional data related to student enrollment and performance will be conducted and relationships to cost will be assessed. The activities and conclusions of the State Board of Community Colleges, the Board of Regents, and the Postsecondary Education Planning Commission will be monitored and evaluated related to legislatively-directed studies on joint-use facilities.

**INTERIM STUDY ON
THE IMPACT OF EMPLOYEE FEE WAIVERS ON STATE UNIVERSITIES**
Work Plan Summary -- (June 9, 1998)

HOUSE COLLEGES AND UNIVERSITIES COMMITTEE
Representative Bob Casey, Chair

Participating Committees:

Colleges and Universities Committee
Education Appropriations Committee

Lead Contact Person:

Betty Tilton, Legislative Research Director
Colleges and Universities Committee

General Description:

Current law authorizes the granting of fee waivers to full-time state employees to enroll in up to six credit hours of tuition-free courses on a space available basis at a state university. The tuition waivers are granted pursuant to provisions of the General Appropriations Act (GAA) and negotiated collective bargaining agreements. During 1996-1997, over 11,000 employee fee waivers were used with a value, in terms of fees waived, approaching \$5.8 million. In addition to receiving no fee revenue for courses taken by students using employee fee waivers, universities have historically received no state funding for the credit hours generated by students using employee fee waivers. The 1998 Legislature enacted chapter 98-309, L.O.F., designating the student credit hours generated by state employee fee waivers as fundable credit hours. While this provision has no fiscal impact for the current year, the long range fiscal impact could be significant. The purpose of this project is to examine the state employee fee waiver policy with particular attention to the impact of the recent policy shift to provide funding for the credit hours generated by students using these waivers.

Policy Questions:

1. What is the profile of students who use employee fee waivers and how does it vary by institution?
2. What are the programs/courses selected most often by these students?
3. What is the cost to the university of providing the tuition-free courses to state employees on a space available basis?
4. What are suitable funding structures for the credit hours generated by students using employee fee waivers?

Methodology:

Proviso language in the 1998 GAA requires the Board of Regents to study the impact of the current policy which authorizes state employee fee waivers and make recommendations regarding that policy to the 1999 Legislature. This interim project will track that study. In addition, committee staff will review actual data from each of the universities regarding the profile of students using the waivers and the courses selected by these students; compare the number of students in a course who use an employee fee waiver with the number who do not; and examine alternative models for funding these credit hours.

INTERIM STUDY ON STUDENT GOVERNMENT ASSOCIATIONS

Work Plan Summary -- (June 9, 1998)

HOUSE COLLEGES AND UNIVERSITIES COMMITTEE

Representative Bob Casey, Chair

Participating Committees:

Colleges and Universities Committee

Lead Contact Person:

Kimberly Allen, Legislative Research Specialist
Colleges and Universities

General Description:

In recent months, a variety of issues regarding student government associations (SGA) have been brought to the attention of the Florida Legislature. Numerous legislators and students have expressed concern over the political atmosphere that may exist within SGAs, as well as the accountability for the administration of activity and service fees. Student groups have requested the codification of SGA in statute and greater input into decisions that are made regarding the use of revenues generated by student fees. The purpose of this study is to review and assess the role and function of the SGA, the constitution and by-laws of each SGA, the electoral process, and the administration and allocation of student fee revenue.

Policy Questions:

1. What is a student government association?
2. What is the role of student government associations?
3. How do they function at state university system institutions?
4. What is the process for electing student government representatives? What is the participation rate of eligible voters?
5. What are the conditions for removal of an elected official from office? Procedures?
6. What accountability measures are in place for the administration and allocation of activity & service fees by student government associations?
7. What are the advantages and disadvantages of codifying student government associations?

Methodology:

An survey instrument will be developed by the Committee on Colleges & Universities in conjunction with the Office of Economic and Demographic Research and will be distributed to each SGA within the State University System. Private institutions wishing to participate may also be included in the survey. The survey will request information on topics such as: the student government electoral process, the role and responsibilities of SGAs, and the administration and allocation of activity and service fee revenues. SGAs will be asked to submit copies of their by-laws and any audit findings. Follow-up with student government leaders through interviews and/or public testimony may be conducted by the Committee on Colleges & Universities.

**INTERIM STUDY ON
THE FLORIDA BRIGHT FUTURES SCHOLARSHIP PROGRAM**
Work Plan Summary -- (June 9, 1998)

HOUSE COLLEGES AND UNIVERSITIES COMMITTEE
Representative Bob Casey, Chair

Participating Committees:

Colleges and Universities Committee
Community Colleges and Career Prep Committee
Education Appropriations Committee

Lead Contact Person:

Betty Tilton, Legislative Research Director
Colleges & Universities Committee

General Description:

The Florida Bright Futures Scholarship Program was established by the 1997 Legislature to reward Florida high school graduates who merit recognition of high academic achievement. The program has recently completed its first year of operation. Awards have been disbursed to over 40,000 students in an amount nearing \$71 million. Concerns have been voiced during the first year of the program's operation that the eligibility standards may not be as rigorous as they should be for an award based totally on merit. Additional concerns have been expressed regarding the potential cost of the program in future years. During the 1998 legislative session, the House of Representatives passed a bill to raise the minimum test score standard for the merit component of the program and to limit the use of the Gold Seal Award to non-baccalaureate degree-granting institutions. The bill was not supported by the Senate or the Department of Education. One of the reasons cited for failing to support the bill was the lack of available data to fully evaluate the impact of the proposed changes. The purpose of this interim project is to continue and refine the efforts that were started during the 1998 Session.

Policy Questions:

1. What is the profile of 1997-1998 initial award recipients for each component of the program?
2. What is the projected renewal rate for these students?
3. How do the test scores, GPAs, and major field of study of Vocational Gold Seal Award recipients who attend state universities compare with Merit Award recipients who attend state universities?
4. Should the Gold Seal Award be limited to specific programs within the State University System to minimize the potential for misuse of this award? If so, which programs?

Methodology:

Committee staff will work with the Department of Education and postsecondary institutions to examine actual data from the program's first year of operation. The data reviewed will include test scores and high school GPAs of initial recipients and their subsequent college GPAs (if available) by award component and type of institution. These findings will be used to assess the initial eligibility and renewal requirements for each component of the program.

**INTERIM STUDY ON
TUITION REFORM -- A CONSIDERATION OF ALTERNATIVES TO
CURRENT FEE STRUCTURES**

Work Plan Summary -- (June 9, 1998)

HOUSE COLLEGES AND UNIVERSITIES COMMITTEE
Representative Bob Casey, Chair

Participating Committees:

Colleges and Universities Committee
Community Colleges and Career Prep Committee
Education Appropriations Committee

Lead Contact Person:

Betty Tilton, Legislative Research Director
Colleges and Universities Committee

General Description:

Students enrolling in a course at a public university must pay a number of fees in addition to matriculation (the fee associated with the cost of providing the instruction) as a part of the registration process. Some of these additional fees are established in statute (such as the capital improvement fee or the building fee); some are set at the local level (such as the activity and service fee, health fee, and athletic fee). While the activity and service fee assessed by community colleges is capped at 10% of the matriculation fee, there are no caps on the local fees established by the state universities. During committee discussions held last session, concerns were voiced over the level of local fees at some universities as well as the lack of legislative involvement in establishing the ultimate amount a student must pay to enroll in a course. The Colleges and Universities Committee subsequently passed legislation that included a provision establishing actual dollar caps in statute for the fees a student must pay to register for a course. The proposed fee legislation was temporarily postponed by the Education Appropriations Committee. The purpose of this interim project is to review and refine the tuition reform proposal that was developed during the 1998 Session.

Policy Questions:

1. What are the appropriate fees that a student should pay to register for a course at a public postsecondary institution?
2. What are the arguments for and against capping local fees at state universities?
3. If fees are capped, should the cap be a specific dollar amount or an amount indexed to the matriculation fee?

Methodology:

Staff of the Colleges and Universities Committee will work with representatives of the Board of Regents, the state universities, the State Board of Community Colleges, the community colleges, the Executive Office of the Governor, other legislative committees, and other interested parties to produce consensus legislation relating to tuition reform.

FISCAL RESPONSIBILITY COUNCIL

1998 Interim Projects

TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS

- 1. Events & Festival Grant Program** Revise the committee work product of the 1998 Legislative Session. Resubmit the PCB relating to events and festivals which provides for the establishment of Grant program in the Office of Tourism Trade & Economic Development to cover various economic development projects.
- 2. Department of Labor Reorganization** Continue to develop and revise existing work product developed at the direction of committee leadership during the 1998 Session, which resulted in a draft bill that would reorganize the Department of Labor & Employment Security, with an emphasis of financial management and accountability.
- 3. Enterprise Florida Oversight (QTI/QDC Funding Needs)** Continue to monitor Florida's public/private partnership for economic development. Develop a series of options for the committee to consider in an attempt to address inefficiencies identified through oversight and work with the appropriate substantive committee. Special focus on the QTI/QDC program.
- 4. DHSMV Highway Safety Operation Trust Fund Solvency:** Develop a range of options for the committee to consider which would provide for the continued solvency of the Department of Highway Safety & Motor Vehicles primary trust fund.
- 5. ISTE** Monitor the Department of Transportation's implementation and distribution of funds related to the new federal transportation legislation. Advise members of the committee and leadership as to the impact of the legislation as it is being implemented.

GENERAL GOVERNMENT APPROPRIATIONS

- 1. Law Enforcement Radio System** Work with DMS and OPPAGA to evaluate the current and new systems and the prospects for completion. Examine technology options and funding alternatives for new system.
- 2. Small County Wastewater Treatment Grants Process/Funding** Work with DEP to develop criteria for assessing the program, and examine financing alternatives.
- 3. Child Support Enforcement - Privatization Status & Impact of Welfare Reform** Analyze potential incentive earnings and determine extent of the deficit. Evaluate privatization efforts now under way to determine if this is a viable alternative to agency service delivery. Determine impacts of welfare reform on this program.
- 4. Invasive Exotic Plants Funding - Aquatic & Upland** Determine by which agency the program should be delivered. Analyze funding alternatives, including local matching requirements.

HEALTH & HUMAN SERVICES APPROPRIATIONS

1. WAGES--Impact of Time Limits This would be a joint study with Committee on Children & Family Empowerment. It will involve researching the projected impact on appropriations and the caseload data as the 24 month time limit approaches.

2. Heart Transplant Study and Estimating Conference (Joint House/Senate Report) SB 570 contained a provision for a study to be done on the implications of an Adult Heart Transplant Program to be funded by the state. The study will include an analysis on the short and long term public policy and cost implications of implementing a state-sponsored Adult Heart Transplant Program. It will include all direct and ancillary costs associated with providing comprehensive care associated with an adult heart transplant. It will also include the evaluation of alternatives for implementation of the program.

3. Compare Privatization of Child Welfare to Public Run Child Welfare programs There are currently a number of privatized child welfare pilot programs around the state and substantive legislation passed this past session regarding privatizing the child welfare program. This study would compare the costs of each of these pilots with the state run program.

CRIMINAL JUSTICE APPROPRIATIONS

1. Develop options to refine workload reporting requirements for Public Defenders and State Attorneys Proviso in the 1998-99 General Appropriations Act included requirements for State Attorneys and Public Defenders to submit workload reports. These reports will help to ensure accountability under PB2 and to allow the Legislature to independently analyze workload requirements. In order for the reports to become a useful and reliable source of information for policy makers, it will be important to closely monitor reporting activities and to maintain communication with the participants. This will allow us to identify problems with compliance, determine which data will be most useful to policy makers, and develop options for refining the requirements.

2. Develop options on defining State vs. Local responsibility for funding Juvenile Assessment Centers As part of the Agency Program Review and Prioritization interim project, the issue of responsibility for funding the operations of Juvenile Assessment Centers (JAC's) was raised. Proviso language was placed in the General Appropriations Act requiring interagency agreements to be in place and disclosed prior to release of state funds to a JAC. There are no specific requirements, however, regarding the content of these agreements. This project would develop options for implementing specific requirements for sharing costs and other responsibilities of maintaining and operating the JAC's among the various entities that use and benefit from them.

3. Participate in the development of options for accountability requirements for juvenile justice programs Accountability is a major concern with juvenile justice programs. The sheer number of services (and associated goals) and entities involved in providing them create inherent difficulty in developing meaningful, consistent performance measures and standards. The Juvenile Justice Advisory Board (JJAB) has initiated an ongoing project to conduct outcome evaluations and to develop appropriate performance standards for DJJ programs. This project would work with the JJAB, substantive committee staff, and other appropriate parties to develop accountability standards for use by the Legislature. A primary goal will also be to develop information to help refine current PB2 measures and standards and develop requirements for new programs within the department that will be coming under PB2 in the future.

EDUCATION APPROPRIATIONS

1. School Readiness Joint project with Academic Excellence Council & Governmental Services Council to review issues relating school readiness and child care programs. Included are issues relating to assessment, coordination of services, standards, elimination of duplication, identification of need, and funding.

2. Student Financial Aid Programs Update inventory of significant financial aid programs for postsecondary education. Project will review award criteria, award levels, eligible populations, and funding levels relative to the cost of postsecondary education. Project will also review recent trends in the growth of major financial assistance programs. Purpose is to provide information which will facilitate legislative decisions relating to the expansion, elimination, or consolidation of programs.

3. Workforce Development CS/CS SB 1124, 2048, & 1120 again revised the funding formula for Workforce Education Programs. While the process was significantly simplified from what would have been required in the 1997 Workforce Legislation (CS/SB 1688), many issues must be fleshed-out for full transition to the new formula. These include the identification of outcomes to allocate funds, data collection and reporting, services for disabled students and senior citizens, timeliness, and how to integrate the Public School & Community College workforce education programs into a unified funding model. The 1998 legislation established a task force to study issues relating to workforce education for disabled students; required the PEPC to administer \$16.5 million in incentive grants for expanding programs; and required school districts, community colleges, and the DOE to continue working toward the full implementation of an outcome-based funding system. A new series of recommendations is required to be provided to the legislature next session. This project will monitor progress on these various efforts, and provide independent analysis to facilitate future legislative decisions relating to workforce education.

FINANCE & TAXATION

1. Analysis of Tax Structure The project is an exploratory study and involves scenario-building with reference to one, or possibly a combination of three, tax area(s): intangible tax, sales tax and corporate income tax. The analysis will be framed in the context of developing alternative futures of the Florida economy based on historical/future socioeconomic and demographic trends with reference to the tax areas specified.

The current tax structure relative to the aforementioned tax areas will be the baseline for extrapolating revenue consequences over a five- to ten-year period with reference to actual and simulated data which, in turn, will be used to develop possible alternative futures of the Florida economy. The research design will incorporate a built-in assumption of no change (or relatively minor change) to current tax structure in any or all of the tax areas relative to their revenue capacity under alternative projected scenarios of the Florida economy. The research emphasis will be on the capacity of the current tax structure with particular reference to the specified tax areas, to generate revenue under the alternative scenarios.

Where applicable, REMI dynamic scoring analysis may be applied to various policy or deterministic interventions that would be simulated as applying to each of the alternative scenarios.

The project will be facilitated by Finance & Taxation staff working with staff from Florida Tax Watch and four doctoral interns supplied by the Askew School and funded by the FSU Institute of Government.

COUNCIL WIDE PROJECTS

- 1 . Develop a list of lawsuits and settlement agreements and their effects on state budget and policy.
- 2 . Develop a list of contracts and agreements between state and federal agencies and their effects on state budget and policy.
3. **“Off-Line” Budgets** Funding for the operation of most state agencies is provided annually through the General Appropriations Act. However, some state agencies receive and spend funds from various sources which are not included in the GAA. This project will provide information concerning off-line budgets including the amount, source, and use of funds; authorization for exclusion of funds from the GAA; and recent trends in the significant off-line budgets. This information may be useful to legislators as they make decisions relating to funds in the GAA that support activities which also are supported by off-line budgets.